

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	PLANNING & ORDERS COMMITTEE
Date:	5th MARCH 2014
Subject:	ISLE OF ANGLESEY COUNTY COUNCIL (Approval to Serve Compulsory Purchase Order
Portfolio Holder(s):	RICHARD DEW
Head of Service:	DEWI R WILLIAMS
Report Author: Tel: E-mail:	DYLAN EDWARDS 01248 752277 tdehp@anglesey.gov.uk
Local Members:	various

A –Recommendation/s and reason/s
<p>At its meeting on the 2nd December 2013 the Executive Committee discussed item 14 (Compulsory Purchase of Lands in connection with proposed Cemetery Extensions at Llanbedrgoch and Llanddona). The Executive Committee resolved to authorise officers to apply for Compulsory Purchase Orders in respect of sites for proposed cemetery extensions at Llanbedrgoch and Llanddona. Further to this resolution permission to serve the Compulsory Purchase Orders in accordance with the powers provided under section 3.4.3.9 of the Constitution be delegated to the legal services manager.</p> <p>1. Section 214 of the Local Government Act 1972 (the Act) provides that both the Council and Community Councils are burial authorities. Section 214(2) of the Act provides that burial authorities may provide and maintain cemeteries. In this case the Council is providing the cemetery extensions but the relevant Community Councils will then administer and maintain them. Section 120 of the Act allows the Council to acquire by agreement land for, amongst other things, cemeteries. Section 121 of the Act gives the Council a power of compulsory purchase.</p>

2. The test applied by the Welsh Ministers in deciding if a compulsory purchase order should be confirmed is that of a compelling case in the public interest. It is considered that this is met in the case of these two cemetery extensions. Clearly there is a pressing need for additional burial space in the two communities and the land identified is the most appropriate for the purpose. The human rights of the owners of the two sites are engaged by compulsory purchase but as the “compelling case” test is met such interference is proportionate and justified.
3. Planning applications for the change of use and works to provide each cemetery extension have been approved as follows
 - The Planning and Orders Committee approved the application in respect of St. Peter’s Church, Llanbedrgoch on 4th September 2013.
 - The Planning and Orders Committee approved the application in respect of St. Iestyn’s Church, Llanddona on 2nd October 2013.

Summary

In accordance with the powers provided under the Constitution for the service of Compulsory Purchase Orders and following Executive Committee authorisation for officers to apply for Compulsory Purchase Orders in respect of sites for two proposed cemetery extensions. Negotiations have successfully concluded with one landowner, but delegated powers are necessary to be provided to the legal services manager with regards to the outstanding land.

B – What other options did you consider and why did you reject them and/or opt for this option?

C – Why is this a decision for the Executive?

CH – Is this decision consistent with policy approved by the full Council?

D – Is this decision within the budget approved by the Council?	

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	
2	Finance / Section 151 (mandatory)	
3	Legal / Monitoring Officer (mandatory)	
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	

E – Risks and any mitigation (if relevant)		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

F - Appendices:
Appendix A Compulsory Purchase Order.

FF - Background papers (please contact the author of the Report for any further information):

GORCHYMYN PRYNIANT GORFODOL
(MYNWENT LLANDDONA YN GYFAGOS I
EGLWYS LLANIESTYN) CYNGOR SIR
YNYS MÔN 2014

THE ISLE OF ANGLESEY COUNTY
COUNCIL (LLANDDONA CEMETERY
ADJACENT TO LLANIESTYN CHURCH)
COMPULSORY PURCHASE ORDER 2014

Deddf Llywodraeth Leol 1972 a Deddf Caffael
Tir 1981

The Local Government Act 1972 and the
Acquisition of Land Act 1981

Mae CYNGOR SIR YNYS MÔN (a elwir yn y
Gorchymyn hwn “yr awdurdod caffael”) yn
gwneud y Gorchymyn a ganlyn–

The ISLE OF ANGLESEY COUNTY
COUNCIL (in this Order called “the acquiring
authority”) makes the following order–


1. Yn amodol ar ddarpariaethau'r Gorchymyn
hwn, rhoddir trwy hyn awdurdod i'r awdurdod
caffael o dan Adran 121 Deddf Llywodraeth
Leol 1972 (y “Ddeddf”), i brynu, drwy
orfodaeth, i bwrpas darparu mynwent o dan
Adran 214(2) y Ddeddf y tir a ddisgrifir ym
mharagraff 2.


1. Subject to the provisions of this Order, the
acquiring authority is, under Section 121 of
the Local Government Act 1972 (the “Act”),
hereby authorised to purchase compulsorily
for the purpose of providing a cemetery under
section 214(2) of the Act the land which is
described in paragraph 2.

2. Y tir y rhoddir awdurdod i'w brynu trwy
orfodaeth o dan y Gorchymyn hwn yw'r tir a
ddisgrifir yn yr Atodlen i'r Gorchymyn ac sydd
wedi ei farcio a'i ddangos yn goch ar fap
wedi'i ddyblygu, ei selio â Sêl Gyffredin yr
awdurdod caffael a'i farcio “Map y cyfeirir ato
yng Ngorchymyn Pryniant Gorfodol
(Mynwent Llanddona yn gyfagos i Eglwys
Llaniestyn) Cyngor Sir Ynys Môn 2014.


2. The land authorised to be purchased
compulsorily under this Order is the land
described in the Schedule hereto and
delineated and shown coloured red on a map
prepared in duplicate, sealed with the
Common Seal of the acquiring authority and
marked “Map referred to in the Isle of
Anglesey County Council, (Llanddona
Cemetery adjacent to Llaniestyn Church)
Compulsory Purchase Order 2014”.

Atodlen / Schedule
Tabl 1 / Table 1

	Maint, Disgrifiad a Safle'r Tir / Extent, Description and situation of the Land	Personau cymwys o dan Adran 12(2)(a) Deddf Caffael Tir 1981 / Qualifying persons under Section 12(2)(a) of the Acquisition of Land Act 1981			
		Perchnogion neu berchnogion honedig / Owners or reputed owners	Lesddeiliaid neu lesddeiliaid honedig / Lessees or reputed lessees	Tenantiaid neu denantiaid honedig (ar wahân i lesddeiliaid) / Tenants or reputed tenants (other than lessees)	Deiliaid / Occupiers
	Darn petryal i bob pwrpas o dir amaethyddol i'r de ddwyrain o		-	-	Perchenog / Owner

	<p>Eglwys Sant Iestyn, Llanddona ac i'r gogledd o ffordd ddi-ddosbarth, gydag arwynebedd oddeutu 2,720m² (ac yn cynnwys rhan o deitl cofrestredig WA914968) / A roughly rectangular piece of agricultural land, to the south east of St Iestyn's Church, Llanddona, and to the north of an unclassified road, having an approximate area of 2,720m² (and comprising part of registered title WA914968)</p>				
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Tabl 2 / Table 2

	Personau eraill sy'n gymwys o dan Adran 12(2A)(a) Deddf Caffael Tir 1981 / Other qualifying persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Personau eraill sy'n gymwys o dan Adran 12(2A)(b) Deddf Caffael Tir 1981 – nad ydynt i'w gweld fel arall yn Nhablau 1 a 2 / Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Enw a chyfeiriad / Name and address	Disgrifiad o'r diddordeb i'w chaffael / Description of interest to be acquired	Enw a chyfeiriad / Name and address	Disgrifiad o'r tir y mae'r person yn y golofn gyfagos yn debygol o wneud hawliad yn ei gylch / Description of the land for which the person in adjoining column is likely to make a claim
	-	-		Tir Gorchymyn / Order Land

Dyddiedig y dydd o
 Dated this day of

2014
 2014

CYNGOR SIR YNYS MÔN /
ISLE OF ANGLESEY COUNTY COUNCIL

CYNGOR SIR YNYS MÔN / ISLE OF
ANGLESEY COUNTY COUNCIL

Ym mhresenoldeb:

In the presence of:

Llofnodwr Awdurdodedig

Authorised Signatory